

## Message Text

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15

ACTION MMO-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 SP-02 PER-01 ABF-01

EA-06 /031 W

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P R 050841Z AUG 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 2254

INFO COMUSJAPAN YOKOTA JAPAN

COMCOGARD FESEC YOKOTA JAPAN

AMCONSUL NAHA

C O N F I D E N T I A L TOKYO 10805

LIMDIS

E.O. 11652: XGDS3

TAGS: EWWT JA

SUBJ: MODE--COAST GUARD REQUEST TO ASSIGN INSPECTOR IN JAPAN

REF: STATE 168625

1. EMBASSY BELIEVES THAT PROPOSAL TO ASSIGN COAST GUARD INSPECTOR TO STAFF OF COAST GUARD FAR EAST SECTION COMMAND, TOKYO WOULD NOT BE OPTIMAL SOLUTION TO PROBLEM OUTLINED REFTEL. USCG HERE IS UNDER SOFA AND PROPOSED ASSIGNMENT WOULD BE VIOLATION OF SOFA, SINCE INSPECTION FUNCTION BEARS NO RELATION TO PURPOSES OF MUTUAL SECURITY TREATY. NOR COULD INSPECTOR BE CONSIDERED QTE CIVILIAN COMPONENT UNQTE UNDER ARTICLE I (B) OF SOFA, SINCE HE WOULD IN NO WAY BE ENGAGED IN SUPPORTING US MILITARY PRESENCE IN JAPAN.

2. THIS CONCLUSION DOES NOT RPT NOT DERIVE FROM CONSULTATIONS WITH FONOFF, BUT IS PARTIALLY RESULT OF PREVIOUS STRUGGLES TO OBTAIN SOFA STATUS FOR ACTIVITIES SUCH AS USAID WHICH, ALTHOUGH CLOSELY RELATED TO OUR MILITARY PRESENCE IN JAPAN, WERE NOT CONSIDERED BY GOJ TO BE SUPPORTING THAT PRESENCE. FONOFF HAS INVARIABLY AND FIRMLY REJECTED SUCH EFFORTS. OUR UNDERSTANDING OF US LAW AS IT APPLIES TO COAST GUARD IS THAT DESPITE ADMINISTRATIVE PLACEMENT UNDER DEPARTMENT OF TRANSPORTATION AND MORE OR LESS  
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CIVILIAN CONTENT OF MANY OF ITS FUNCTIONS, COAST GUARD IS

NEVERTHELESS STILL CONSIDERED TO BE PART OF US ARMED FORCES.  
USCG HAS THEREFORE QUIETLY REMAINED UNDER SOFA HERE AND KEPT FULL  
SOFA PRIVILEGES. IF GOJ WERE GIVEN CAUSE TO REVIEW SOFA STATUS OF  
USCG, EMBASSY WOULD ARGUE THAT ACCORDING TO US LAW, USCG WAS  
QTE ARMED FORCE UNQTE AND THAT ITS MAIN TASK HERE OF RUNNING LORAN  
OPERATIONS IS INTENDED TO SUPPORT US FORCES NAVIGATION IN NORTHEAST  
ASIA. ANCILLARY BENEFITS TO CIVILIAN NAVIGATION ARE MERELY  
WELCOME BUT INCIDENTAL BY-PRODUCT. WE ARE NOT AT ALL SURE,  
HOWEVER, THAT SUCH ARGUMENT COULD CARRY IN FOXCCJF,#WITHOUT  
FURTHER ELABORATION. INSTEAD, WE MIGHT BE  
FORCED TO GET INTO EXPLANATION OF SUCH PROGRAMS AS CLARINET PILGRIM  
IN ORDER TO MAINTAIN SOFA STATUS HERE FOR USCG.

4. AS ALTERNATIVES, DEPARTMENT AND USCG MAY WISH CONSIDER  
FOLLOWING OPTIONS:

- A. ASSIGN COAST GUARD INSPECTOR TO EMBASSY UNDER MARITIME ATTACHE  
AND DETAIL HIM TO HIROSHIMA FOR DURATION OF REQUIREMENT.
  - B. BRING IN USCG INSPECTOR PERIODICALLY ON TDY TO MARITIME ATTACHE  
OFFICE FROM OUTSIDE JAPAN.
  - C. TASK OFFICER ON DUTY WITH USCG FAR EAST SECTION  
TO PROCEED PERIODICALLY (AND INFREQUENTLY) TO HIROSHIMA ON SHORT  
INSPECTION TRIPS. (THIS WOULD BE COMMERICAL ACTIVITY WHOSE  
STATUS WOULD NOT BE CLEAR UNDER SOFA AND IS LEAST DESIRABLE  
ALTERNATIVE FROM EMBASSY POINT OF VIEW.)
- SHOESMITH

NOTE BY OC/T: TOKYO 10805(#)AS RECEIVED.

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARITIME LAW, STANDARDS, SAFETY, PERSONNEL ASSIGNMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 AUG 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** izenbei0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975TOKYO10805  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** X3  
**Errors:** N/A  
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**Office:** ACTION MMO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** 75 STATE 168625  
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**Status:** NATIVE  
**Subject:** MODE--COAST GUARD REQUEST TO ASSIGN INSPECTOR IN JAPAN  
**TAGS:** EWWT, APER, JA  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006